

**\*\*\*AMENDED\*\*\***

## **CHARTER REVISION COMMISSION**

The Charter Revision Commission met at the Wethersfield Town Manager's Conference Room on Thursday, May 29, 2014 at 6:30 pm.

Present: Chairperson Dan Silver, Vice Chairperson Steve Kirsche, T. William Knapp, Louis Laccavole, Mary Pelletier and John McAuliffe, Jr.

Also Present: Commission Secretary Sónia Betz, Town Manager Jeff Bridges, Town Clerk Dolores Sassano and Attorney Jonathan Chappell, Town Attorney

The meeting was called to order by Chairperson Silver at 6:33 pm.

Chairperson Silver asked if anyone had any comments on or revisions to the minutes from the last (May 1<sup>st</sup>) meeting.

- Commissioner McAuliffe indicated that he thought there was a spelling error, but could not remember where it was.
- Commissioner Laccavole commented that while he thinks the minutes are very well done, that they are almost too detailed. He finds it difficult to meaningfully review them for accuracy and completeness because he cannot remember exactly what was said by each person. He also believes that they are far in excess of what Robert's Rules and FOI require. He referenced a recent Town Council meeting which lasted 6 hours and for which the minutes were 2 or 3 short sentences.
- Discussion by the Commission followed with the point of view that the detailed minutes give a history behind each decision that may be referenced by the public, absent Commissioners and future Charter Revision Commissions. Other points addressed were the fact that less detail allows for less chance of error and better recollection of facts by those who were present.
- **Commissioner Laccavole moved to amend the minutes of the May 1, 2014 meeting to include agenda items, motions and seconds, and votes. Motion was seconded by Vice Chairperson Kirsche. All Commissioners present voted. Commissioners Laccavole & McAuliffe voted "AYE." All other Commissioners present voted "NAY." Motion failed. 2-4-0**
- **Commissioner Knapp moved to approve the minutes as presented, seconded by Commissioner Pelletier. All those present voted. Motion passed. 5-0-1 (Abstention by Commissioner Laccavole)**

### Public Comment

- Robert Young, 20 Coppermill Rd:
  - Mr. Young presented his comments on the minutes discussion, indicating that he enjoys the more detailed format. He also stated his opinion that the Town Clerk, as well as the Finance Director, should report to the Town Council. He referenced an issue in which a check from the Board of Education was changed. Regarding indexing, he agrees with it as long as it is appropriate with the current dollar amounts. He also feels that the Town is largely lacking in ethics.
- George Ruhe, 956 Cloverdale Cir:

- Mr. Ruhe first addressed the minutes discussion by saying he was appalled at the suggestion that they be minimized. As far as the indexing cap, he believes it's an excellent idea, but that there should be safeguards to avoid loopholes. Regarding the oversight of the Town Clerk, he strongly feels that the Council should maintain this power as Town Manager's are more transient figures.
- Paul Copp, 100 Executive Square
  - Mr. Copp stated that he would give great weight to Town Clerk Sassano's opinion on the issue of the oversight of her position. As far as ethics, he feels that there need to be penalties assigned or otherwise the provision doesn't really matter.

## Agenda Items

### A) Indexing the Cap on Special Appropriations Rather than Setting Specific Dollar Amounts

- Town Manager Bridges passed out the information he compiled with the proposed percentages applied to the newly adopted budget.
  - Section 310 at .15% (correction from handout that said 15% per Commissioner Laccavole) would equate to \$139,252
  - Section 311 at .30% would equate to \$278,504
  - Sections 713 and 714 both at .03% would equate to \$27,850
- When asked his opinion on the indexing by Commissioner Silver, Town Manager Bridges indicated that he would want it stated in the Charter that the amounts must be publically declared as part of the annual budget proposal process.
- Chairperson Silver suggested that the Town Manager work with Atty. Chappell to compose language that the Commission can adopt since the Commission appeared to be in agreement with the concept.
- **Commissioner Knapp moved to approve the concept of indexing as proposed with the stipulation that the actual number be declared as part of the Town Manager's proposed budget and the adopted budget, seconded by Commissioner McAuliffe.**
- Commissioner Laccavole questioned whether the limits were per emergency or per year to which Town Manager Bridges replied that he was not sure as the situation had not presented itself.
- The Commissioners discussed the idea of defining these terms as multiple emergencies are very possible.
- Vice Chairperson Kirsche stated that he would be comfortable with setting the limit at 2 per year. Any incidents beyond that would require a referendum.
- Commissioner Pelletier expressed concern that limiting the sections and having to go to referendum would limit the Town's response in some way. Chairperson Silver explained that the money would come out of somewhere else until that point.
- **Vice Chairperson Kirsche moved to amend Commissioner Knapp's motion to cap the number of incidents allowed for Sections 310 and 311, at the amount stipulated by the then current budget per year per section before going to referendum, to two (2), seconded by Commissioner Knapp. All Commissioners present voted. The motion passed. 5-1-0 (Commissioner Pelletier voted "NAY" based on her feeling that Section 311 should only be allowed 1 incident per year).**
- **Commissioner Knapp moved to approve the concept of indexing as proposed, with the stipulation that the actual number be declared as part of the Town Manager's proposed budget and the adopted budget, and as amended by Vice Chairperson Kirsche, seconded by Commissioner McAuliffe. All Commissioners present voted "AYE." The motion passed. 6-0-0**

## B) Oversight of the Office of the Town Clerk

- Chairperson Silver indicated that he had spoken to Mayor Montinieri, but not Councilperson Hemmann regarding the Council's views on the appointment and dismissal of the Town Clerk. Mayor Montinieri told Chairperson Silver that the Democrats were in favor of maintaining the authority to hire and fire, but to have the annual evaluation done by the Town Manager.
- Town Clerk Dolores Sassano spoke as to her view that the oversight of her position should remain the same and her reasons why.
- Chairperson Silver summarized that with Town Clerk Sassano's opinion and the extensive discussion of the Commission prior to this that it would appear that there was a consensus as to the views of the Commission. He then asked if there were any motions to change the existing Charter.
- Commissioner Pelletier stated that in reading the Section (501) that it does not refer to the evaluation and referred to Town Clerk Sassano's statement that in the past the Town Manager has done the evaluation. She asked why the Council couldn't just ask the Town Manager to do it instead of requesting a change in the Charter.
- Vice Chairperson Kirsche wants to make a recommendation to the Town Council to utilize the resources available to them.
- Town Manager Bridges referred to a letter by Atty. Jack Bradley, from when he was previously the Town Attorney, in which he addressed this same issue.
- **Vice Chairperson, acknowledging that it was not needed since no change was being made to the Charter, moved to not change the Charter provision but to urge the Town Council to discuss with the Town Manager and the Town Clerk how they wish to proceed as far as the evaluation of the Town Clerk is concerned, seconded by Commissioner McAuliffe.**
- Commissioner Knapp wanted it noted that he moved to change nothing and move on. No second, no action taken.
- Commissioner Pelletier stated that she wanted the sentence referring to the "indefinite term" removed because she felt that it doesn't need to be there and she doesn't like the way it sounds.
- **Commissioner Pelletier moved to remove the sentence "The Clerk shall serve for an indefinite term" from Section 501 of the Charter, seconded by Vice Chairperson Kirsche. The motion and second were withdrawn after discussion.**
- Chairperson Silver stated that the term would indicate that the term is not permanent and implies some ambiguity by not stating a specific term of "x" number of years.
- Discussion followed with Commissioner Laccavole agreeing that "indefinite" made it sound like forever, and Chairperson Silver stating that it is a legal term meaning until they decide to make a change. Atty. Chappell stated that his reading is that without a specific term, the employment is "at will." He also referred to his memorandum of April 30, 2014, that gave some potential revisions to Section 501.
- The Commissioners discussed this revision, with the consensus supporting it.
- **Commissioner Pelletier moved to change Section 501 of the Charter pursuant to the first revision presented in the memorandum of April 30, 2014, by Atty. Jonathan Chappell (see below), seconded by Vice Chairperson Kirsche. All Commissioners present voted "AYE." The motion passed. 6-0-0**
  - *"In addition to the powers and duties prescribed for Town Clerks by the General Statutes, the Clerk shall be responsible to and be Clerk of the Council, keep a journal of its proceedings, which shall be a public record and perform such other duties as may be assigned by the Charter or by action of the Council. The Clerk*

*shall be an officer of the Town appointed by the Council, who ~~The Clerk~~ shall serve until removed from office pursuant to this Charter, or he resigns or is otherwise unable to perform his duties in accordance with the law for an indefinite term. The Clerk shall have and appoint such deputies, clerks and other assistants as the Council may determine, and as provided in the General Statutes. When a vacancy occurs in the position, it shall be filled by the Town Council after being posted requiring certification or prior experience and knowledge of accepted administrative practice related to the duties of the position."*

C) Ethics

- Commissioner Silver reminded everyone of the last meeting's discussion regarding Rocky Hill's section that covering ethics and how it could affect the Town of Wethersfield if this Commission were to adopt something similar. He deferred to Atty. Chappell for his opinions.
- Atty. Chappell advised the Commission that, per State statute, a Collective Bargaining Agreement can supersede a Charter amendment and that enforcement of the Rocky Hill example could be a problem in the future if it conflicts with a Collective Bargaining agreement.
- Chairperson Silver stated his personal opinion that to adopt such a provision would be very costly for the Town between attorney fees for the drafting of the language and also in possible litigation and that he is hesitant to adopt something that may not be enforceable.
- Vice Chairperson Kirsche countered that his view of the ethics issue is not with the contracted employees but with the elected and appointed officials and that any provisions should deal with that.
- Discussion on the possibility of drafting a provision pertaining to elected and appointed officials and the potential penalties followed.
- Atty. Chappell was asked to draft language based on the Rocky Hill example pertaining to elected and appointed officials.
- Discussion postponed to next meeting awaiting information from Atty. Chappell.

*The next meeting will be held on Thursday, June 12, 2014 at 6:30 pm.*

**Commissioner Knapp moved for adjournment at 8:46 pm. Commissioner McAuliffe seconded. All those present voted AYE unanimously. 6-0-0**

Respectfully Submitted,

Sónia Betz, Secretary